

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

UNITED STATES OF AMERICA	)	
	)	
v.	)	CR. NO. 2:05-cr-122-T
	)	
PATRICIA ANN CANTALINE	)	

**SENTENCING MEMORANDUM**

Comes now the United States of America, by and through Leura G. Canary, United States Attorney for the Middle District of Alabama, and in response to this Court's Order of December 13, 2005, the following is submitted:

1) Patricia Ann Cantaline was charged in a one count indictment with possession of approximately 153.7 grams of methamphetamine and approximately 23.2 grams of marijuana with intent to distribute. Also named in the indictment was Co-Defendant Matthew Leo Kelley.

2) During the course of the proceedings, Defendant Cantaline took full responsibility for the methamphetamine stating that she had gone to Georgia to purchase it and intended to both use and sell the methamphetamine. She confirmed that Defendant Kelley had no responsibility for the methamphetamine, but was in possession of only the marijuana which was for his own personal use.

3) Defendant Cantaline was originally scheduled to be sentenced on December 19, 2005, but her motion to continue sentencing was granted to allow time for Defendant Cantaline to be evaluated to determine if a sexual assault she suffered, the death of her father and other factors caused her criminal behavior. A Forensic Psychological Evaluation was received by the undersigned on March 1, 2006.

4) The psychological evaluation discusses in detail a number of traumatic events in Cantaline's life. She asserts a downward departure is warranted based upon the effect of these traumatic events.

5) The United States submits that the decision to grant a downward departure is to be determined by the provisions of U.S.S.G. § 5K2.13. Specifically, a downward departure may be warranted if the defendant committed the offense while suffering from a significantly reduced mental capacity, and the significantly reduced mental capacity contributed substantially to the commission of the offense. The United States has seen nothing in the psychological evaluation to suggest that the Defendant's illegal drug distribution was a result of her traumatic life experiences.

6) The United States further is informed and believes that the probation officer who has prepared the Presentence Report in this case finds no support for the requested downward departure. The United States concurs with the decision of the Presentence Report.

Wherefore, premises considered, the United States submits that the request for a downward departure for diminished capacity be denied.

Respectfully submitted this the 2<sup>nd</sup> day of March, 2006.

LEURA G. CANARY  
UNITED STATES ATTORNEY

/s/ Kent B. Brunson  
KENT B. BRUNSON  
Assistant United States Attorney  
Bar Number: ASB-3094-U62K  
One Court Square, Suite 201  
Montgomery, Alabama 36104  
Telephone: (334) 223-7280  
Fax: (334) 223-7135  
E-mail: [kent.brunson@usdoj.gov](mailto:kent.brunson@usdoj.gov)

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CERTIFICATE OF SERVICE

I hereby certify that on March 2, 2006, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Kevin L. Butler.

Respectfully submitted,

LEURA G. CANARY  
UNITED STATES ATTORNEY

/s/ Kent B. Brunson  
KENT B. BRUNSON  
Assistant United States Attorney  
Bar Number: ASB-3094-U62K  
One Court Square, Suite 201  
Montgomery, Alabama 36104  
Telephone: (334) 223-7280  
Fax: (334) 223-7135  
E-mail: [kent.brunson@usdoj.gov](mailto:kent.brunson@usdoj.gov)